

1 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

2 -----x
3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 -against-

6 ANGEL ALMEIDA,

7 Defendant.
8 -----x

21-CR-613 (RPK)

United States Courthouse
Brooklyn, New York

March 21, 2023
10:00 am

9 TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE
BEFORE THE HONORABLE RACHEL P. KOVNER
10 UNITED STATES DISTRICT JUDGE

11 APPEARANCES

12 For the Government:

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24 Proceedings recorded by mechanical stenography. Transcript
25 produced by computer-aided transcription.

PROCEEDINGS

1 (In open court.)

2 THE COURTROOM DEPUTY: All rise.

3 THE COURT: Good morning. Everybody can sit down.

4 THE COURTROOM DEPUTY: United States of America
5 versus Angel Almeida.

6 Counsel, please state your name for the record.

7 MR. EDWARDS-BALFOUR: Good morning, your Honor.

8 Chand Edwards-Balfour on behalf of the government. With me is
9 Special Agent Nick Satwicz.

10 THE COURT: Great. Good morning.

11 MR. GREGORY: Good morning, your Honor. Samuel
12 Gregory for Mr. Almeida.

13 THE COURT: Great, good morning. And good morning,
14 Mr. Almeida.

15 So let's see, I think this is our first appearance
16 after Mr. Gregory was appointed, but it's a pretty old case.

17 Is the government done with production of discovery
18 in this case?

19 MR. EDWARDS-BALFOUR: So production of discovery is
20 ongoing, your Honor. In fact, after this status conference
21 defense counsel is going to be reviewing some of the discovery
22 today. There is a lot that -- and he just got on the case so
23 there is a lot that he has to get through. So what we were
24 thinking is we're going to continue with that discovery.
25 We're obviously continuing our investigation and we've

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1 discussed a status conference for June 13th that both parties
2 agree to and to exclude time between now and then. I think
3 that should give us a good amount of time to be able to, at
4 that point, talk about discovery motions and things like
5 that -- I mean, motion scheduling and things like that.

6 THE COURT: With the discovery I take it there is
7 some material that Mr. Gregory needs to review with designated
8 computers or at a special location because of the superseding
9 indictment charges; is that right?

10 MR. EDWARDS-BALFOUR: That's correct, your Honor.

11 THE COURT: Aside from that discovery, have you
12 produced everything that you have?

13 MR. EDWARDS-BALFOUR: Most of everything, yes, your
14 Honor.

15 THE COURT: So when are you going to be done with
16 producing what you have?

17 MR. EDWARDS-BALFOUR: I believe we should be done
18 with the things that are in our possession currently, because
19 there are things that are coming in, but we can be done by
20 next week, but the other stuff that Mr. Gregory will actually
21 need to see it, it just takes some time, so I can't --

22 THE COURT: Got it.

23 MR. EDWARDS-BALFOUR: It's not about us being able
24 to just like give it, it's more about scheduling time to get
25 together.

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1 THE COURT: But it's the parties' expectation
2 June 30th that all those materials will have been produced and
3 Mr. Gregory will have had the opportunity to review all the
4 materials that need to be reviewed with the special computer.

5 MR. EDWARDS-BALFOUR: That's our hope, your Honor.
6 June 13th though.

7 THE COURT: June 13th.

8 MR. EDWARDS-BALFOUR: Yes.

9 THE COURT: Okay. And how about from your
10 perspective, Mr. Gregory?

11 MR. GREGORY: Your Honor, I think it's fair to say
12 that the majority of the discovery in this case or a
13 significant amount of discovery is protected. I'll tell you
14 now that the agent and Mr. Chand have been forthcoming. We've
15 arranged for Mr. Almeida, myself and my paralegal to go down
16 and look at a significant amount today, but my understanding
17 is, I think they have 2000 images today, or was it 200?

18 THE AGENT: A couple a hundred today.

19 MR. GREGORY: A couple a hundred. My understanding
20 there is 400,000 images, so this is going to take a
21 significant amount of time, and I'm not -- we're working on
22 the case --

23 THE COURT: Sure.

24 MR. GREGORY: -- it's not as though we're just
25 trying to delay and look for additional time, which I know

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1 this Court confronts with some prosecutors and defense
2 lawyers, we're working together.

3 THE COURT: Sure.

4 MR. GREGORY: So I can assure the Court that I will
5 stay in close touch with Mr. Chand and the agent and that
6 we'll try to set schedules where we're looking at this
7 discovery on a regular basis for as much time as we can so we
8 can get through it.

9 There's also some warrants I want to get a look at
10 to see if there is any Fourth Amendment issues in the case and
11 what I would ask is this, Judge -- and you may want me to do
12 this in writing and I will if you want -- is I'd love to get a
13 second lawyer on this case. There's that much work and that
14 much discovery. I have somebody in mind who is extremely
15 capable, smart and I've worked with him before, Zachary
16 Taylor. I'm not sure if you know him. So I'd ask if you do
17 that from the bench orally or I can submit a letter.

18 THE COURT: Yes, why don't you put in a written
19 request. I know sometimes folks have had like their associate
20 or kind of a CJA trainee, but it sounds like you're looking
21 for something else and I'm not sure I've done that in a case
22 that's not a death-eligible case. But if you put it in a
23 letter and let me know who you're thinking of and what you're
24 thinking that would be helpful.

25 MR. GREGORY: Yes, I know other judges have done

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1 it --

2 THE COURT: Sure.

3 MR. GREGORY: -- I'm not asking you to follow other
4 judges, you're going to do it the way you want to do it, so
5 I'll send a letter.

6 THE COURT: Sure, sounds great. So I'll set this
7 down for a further status conference on June 13th to allow for
8 the review of the discovery materials that's ongoing and I'll
9 set that conference for 10 a.m. and exclude time between today
10 and June 13th to allow the defense to review the discovery
11 materials in this case and decide if there are any motions
12 that the defense wants to file. I find that the ends of
13 justice served by the exclusion of time outweigh the interest
14 of the public and the defendant in a Speedy Trial. That is,
15 as I said, I'm mindful that this is a case that's been around
16 since 2021, at least in its initial form, and Mr. Almeida has
17 been in custody, so I want to do what we can to keep the case
18 moving along.

19 MR. GREGORY: Yes. The only thing I would say,
20 Judge, is from my perspective, and I bet Mr. Almeida would
21 agree with me, if there's additional investigations that are
22 ongoing and there's going to be additional charges, we would
23 prefer that we complete this case rather than -- complete the
24 case and then have another indictment fall. So the only thing
25 I would say is, I agree with the Court it is a 2021 case, but

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1 in some ways it's a 2'23 case.

2 THE COURT: Sure. I gather that the superseder is
3 recent and also that you're new counsel on the case and so
4 it's not as though what happened between 2021 and 2023 has
5 given you the opportunity to learn anything about the case,
6 it's really just 2023 for you. So I get all of that.

7 MR. GREGORY: I appreciate that, Judge. Thank you.

8 THE COURT: Okay. Anything else for us to take up
9 today?

10 MR. EDWARDS-BALFOUR: Nothing further from the
11 government. Thank you, your Honor.

12 THE COURT: Anything else from you, Mr. Gregory?

13 MR. GREGORY: Sorry, Judge. No.

14 THE COURT: All right. I'll see you all in June.

15 (Matter concluded.)

16 * * * * *

17 I certify that the foregoing is a correct transcript from the
18 record of proceedings in the above-entitled matter.

19 s/ Georgette K. Betts

June 16, 2023

20 GEORGETTE K. BETTS

DATE

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